

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55950 of 2023**

Arising Out of PS. Case No.-520 Year-2022 Thana- GRIYAK District- Nalanda

Umesh Kumar, Son Of Basudeo Ram, Resident Of House No. 011-0738,  
Ambedkar Nagar, Gaya Marg, Par Nawada, Ward No. 28, Ps- Nawada, Dist-  
Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      08-11-2023                      Heard Mr. Kumar Kaushik, learned counsel  
  
appearing on behalf of the petitioner and the learned Additional  
  
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Giryak (Katrisarai) P.S. Case No. 520 of 2022, registered  
for the offences punishable under Sections 420, 406 and 409 of  
the Indian Penal Code.

3. The prosecution case is based on a written report  
filed by the Programme Officer, Giryak (Katrisarai), alleging  
therein that in course of site inspection, in relation to  
programme no. 02/2022-23, for restoration of Maradi Pokhar,  
certain irregularities have been found. It is specifically alleged  
that the estimate of programme was for Rs. 6,56,900/- wherein



the petitioner who was working as Technical Assistant has made the estimate Of Rs. 1,99,360/- on the basis of measurement book but despite the aforesaid fact the co-accused Arun Kumar, who was working as Accountant, MGNREGA has paid Rs. 5,87,790/- and in this way all the three persons who were responsible to execute the programme, have misappropriated the public money.

4. Learned counsel appearing on behalf of the petitioner submits that so far the allegation levelled against the petitioner is concerned, it is only confined to the fact that the petitioner being Technical Assistant entered an estimate of Rs. 1,99,360/- as per the measurement book, which estimate, on inspection, was found excessive of Rs. 1,09,520/- and thus it is termed as financial irregularity. He further submits that during the course of investigation, it has transpired that an inspection was conducted by the Executive Engineer, District Rural Development Agency, Nalanda and the estimate entered in measurement book was found to be excessive, which was prima facie, his tentative opinion based upon no scientific evaluation and report. Thus, the estimate made by the petitioner cannot be doubted outrightly. That apart, the entire allegation of making excess payment is made against the accountant, MGNREGA,



Block Katrisarai, who was the signatory of the records and accounts. Furthermore the petitioner was only a Technical Assistant, whereas, it is Panchayat Rojgar Sewak and the Accountants who were responsible for preparation of original estimate and ensuring payment. He next submitted that be that as it may, a show-cause has been asked from the petitioner and in response thereto, the petitioner has submitted his explanation which has not been accepted and finally the petitioner has been inflicted with the punishment of termination of his contractual service and, thus the petitioner has appropriately punished. He next submitted that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation and in case of need, he shall ensure his physical presence before the authority concerned and, co-operate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that because of the wrong estimate prepared by the petitioner, loss has caused to the Government Exchequer and the complicity of the petitioner cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the role of the petitioner to



the extent of preparation of estimate as also the inspection report submitted the Executive Engineer, District Rural Development Agency based upon no scientific evaluation/report coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Giriyak (Katrisarai) P.S. Case No. 520 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

supratim/-

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